

No. \_\_\_\_\_

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**In the United States Court of Appeals  
FOR THE SEVENTH CIRCUIT**

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TANKCRAFT CORPORATION AND PLASTICRAFT CORPORATION,  
PETITIONERS,

*v.*

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,  
RESPONDENT.

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**PETITION FOR REVIEW**

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Tankcraft Corporation and Plasticraft Corporation, as provided by Fed. R. App. P. 15, respectfully petition the Court for review of the “COVID-19 Vaccination and Testing; Emergency Temporary Standard” (“ETS”), issued by Respondent Occupational Safety and Health Administration on November 4, 2021 (Docket No. OSHA-2021-0007), and effective on November 5, 2021.

The Petition should be granted because the ETS is unsupported by substantial evidence, not in accordance with law, arbitrary and capricious, in excess of statutory authority, and exceeds Respondent’s constitutional powers. 29 U.S.C. § 655(f); 5 U.S.C. § 702.

Dated this 4th day of November, 2021.

**WISCONSIN INSTITUTE FOR LAW & LIBERTY**

*/s/ Daniel P. Lennington*

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## CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2021, I filed the foregoing with the Clerk of the Court via email, as instructed by the Clerk. As provided by 29 U.S.C. § 655(f), a “copy of the petition shall be forthwith transmitted by the clerk of the court to the secretary.”

A copy of this petition was also transmitted to the Respondent via the email address listed in the ETS (*zzSOL-Covid19-ETS@dol.gov*).

Dated: November 4, 2021

/s/ Daniel P. Lennington